

661—231.1(101A) Explosive materials. NFPA 495, “Explosive Materials Code,” 2001 edition, is hereby adopted by reference as the rules governing the manufacture, transportation, storage, and use of explosive materials in the state of Iowa, with the following amendments:

Delete the phrase “authority having jurisdiction” wherever it occurs and insert in lieu thereof the phrase “fire marshal.”

Delete the phrases “issuing authority” and “permit-issuing authority” wherever they occur and insert in lieu thereof the phrase “fire marshal.”

Amend Section 1.3 to read as follows:

1.3 Equivalency.

Nothing in this code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this code. Any request for approval to use systems, methods, or devices other than those specified in this chapter shall be submitted to the fire marshal as a request for a waiver of a rule as provided by rule 661—5.15(17A,100).

Delete Sections 4.1.5, 4.1.6, 4.1.9, 4.1.9.1, 4.2.3, 4.3 through 4.3.2, 4.4 through 4.4.5, 4.5.2, 4.5.3, 4.6 through 4.6.3, 4.7 through 4.7.4, 4.8.6, 4.9.2, and 4.9.3.

Amend Sections 4.2, 4.2.1, 4.2.2, 4.5, 4.5.1, 4.8.1, 4.8.3, 4.8.4, and 4.9.1 by deleting the word “permit” wherever it occurs and inserting in lieu thereof the word “license” and by deleting the word “permits” wherever it occurs and inserting in lieu thereof the word “licenses.”

Add the following new section:

4.2.4 A person who has a current, valid permit to use explosives, which has been issued by a sheriff or police chief pursuant to Iowa Code section 101A.3, may purchase, possess, transport, store, and use explosive materials within the jurisdiction of the sheriff or police chief who issued the permit. Any purchase, possession, transportation, storage, or detonation of explosive materials by a person with a current, valid permit that has been issued by a sheriff or police chief is strictly limited to the conditions expressly stated in the permit. Possession of a permit creates no obligation on the part of any vendor of explosive materials to supply such materials to the holder of the permit.

Amend Section 8.4.6 to read as follows:

8.4.6 Any person who stores explosive materials shall notify the local fire department having jurisdiction for fire safety in the locality in which the explosive materials are being stored of the type, magazine capacity, and location of each site where such explosive materials are stored. Such notification shall be made orally before the end of the day on which storage of the explosive materials commenced and in writing within 48 hours from the time such storage commenced. A fire department which has received information pursuant to this section may disseminate the information to the state fire marshal, another fire department which is responding to a fire or other incident at the location at which the explosives are stored, or to a law enforcement agency. Information received by a fire department pursuant to this section shall not be disseminated except as provided in this section.

Amend Section 8.6.3 to read as follows:

8.6.3 Type 3 Magazines. A Type 3 magazine shall be a “day box” or portable structure used for the temporary storage of explosive materials. A Type 3 magazine shall be fire resistant, theft resistant, and weather resistant.

(1) The magazine shall be equipped with one steel padlock (which shall not be required to be protected by a steel hood) having at least five tumblers and a case-hardened steel shackle at least 9.5 mm (3/8 in.) in diameter. Doors shall overlap the sides by at least 25.4 mm (1 in.). Hinges and hasps shall be attached by welding, riveting, or bolting (nuts on inside).

(2) The magazine shall be constructed of not less than 12-gauge [2.66-mm (0.1046-in.)] steel, lined with at least 12.7-mm (½-in.) plywood or 12.7-mm (½-in.) masonite-type hardboard.

(3) Type 3 magazines containing explosive materials shall be within line-of-site vision of a blaster or, if not within line-of-site vision of a blaster, shall be secured if in a vehicle or in a secure building, facility, or area.

This rule is intended to implement Iowa Code section 101A.5.